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Testimony on behalf of the Sierra Club Michigan Chapter  
SB 850, 851, 852, 854 and 857 before the  
House Natural Resources, Great Lakes, Land Use and Environment Committee  
Presented by Anne Woiwode, State Director  
January 25, 2006

Michigan's waters, from the Great Lakes to tiny rivulets at the headwaters of our greatest rivers, define this great state. With more than 100,000 members in the Great Lakes basin, both in the United States and Canada, the Sierra Club has long considered protection of both the quality and quantity of our water critical to the future well-being of this region. We endorse the comments submitted by our colleague organizations on the Senate Bill package before you today. The Michigan Environmental Council, Clean Water Action and the Alliance for the Great Lakes are all speaking to the critical issues of preventing diversion of our waters out of the Great Lakes basin, requiring voluntary responsible use of Michigan's waters and protecting our natural resources from adverse effects caused by overuse or over consumption of waters. It is exciting to see Michigan moving forward on this critical issue.

My detailed comments will focus on one issue that has emerged in recent discussions about these bills. We understand a proposal will be made to amend Senate Bill 850 by adding a provision regarding the impact of mines permitted under the Non-ferrous Metallic Minerals Mining statute or Part 632 of the Natural Resources and Environmental Policy Act, PA 451 of 1994. The Sierra Club is among those organizations that participated both in the working group that brought this historic legislation to the Michigan Legislature, and in the working group that drafted the rules that are to be finalized no later than February 15.

During the course of almost two years of discussion over the appropriate way for Michigan to address the issues of sulfide mining and other mining to be regulated under Part 632, the working group consistently affirmed its position that Part 632 would not substitute for other environmental permitting processes. In fact, the water quality permits, ground water permits, air quality permits and waste disposal permits were all explicitly expected to be applied for separately, and were required to be received in order for a Part 632 permit to be issued.

Part 632 does provide for analysis of groundwater flow in the application process, but it does not allow for a permit to be denied based on a determination that dewatering of the mine may have an adverse impact on the groundwater or aquifer of a mining site. In fact, because the permit application requires the analysis to be done, any applicant for

a Part 632 permit will be well positioned to submit critical data needed for a permit as anticipated in this proposed statute.

Based on the consensus position of the working group on the Non-ferrous Metallic Minerals Mining legislation and rules, we would strongly urge that the Legislature not include a presumption that a mine permitted under Part 632 would have no adverse resource impact. If the Committee would like more detail about this issue, we would be happy to assist you in providing additional information about this issue.

Thank you for the opportunity to testify.